

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RICHARD C. HUNT,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 06-324-***
)	
BRIAN EMIG,)	JURY TRIAL REQUESTED
)	
Defendant.)	

DEFENDANT’S MOTION FOR LEAVE TO DEPOSE PLAINTIFF

COMES NOW the Defendant Officer Brian Emig (“Defendant”), by and through undersigned counsel, and respectfully moves this Honorable Court to enter an Order granting Defendant’s counsel the right to depose Plaintiff Richard C. Hunt (“Plaintiff”), an incarcerated individual:

1. Plaintiff is an inmate incarcerated at the Delaware Correctional Center in Smyrna, Delaware.
2. Counsel for the Defendant wishes to depose Plaintiff as part of discovery in this case.
3. The discovery deadline in this matter is May 1, 2007.
4. Fed. R. Civ. P. 30(a)(2) requires leave of the Court to depose an incarcerated individual.
5. A form of order is attached to this motion that grants Defendant’s counsel the right to depose Plaintiff.

WHEREFORE, Defendant respectfully requests that this Honorable Court grant his Motion for Leave to Depose Plaintiff Richard C. Hunt.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Eileen Kelly
Eileen Kelly, I.D. No. 2884
Deputy Attorney General
Carvel State Office Building
820 N. French Street, 6th Floor
Wilmington, DE 19801
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Attorney for Defendant

Dated: March 29, 2007

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RICHARD C. HUNT,)	
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BRIAN EMIG,)	JURY TRIAL REQUESTED
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7.1.1 CERTIFICATE OF COUNSEL

Undersigned counsel hereby certifies, pursuant to Local Rule 7.1.1, that:

1. Plaintiff Richard C. Hunt is currently incarcerated and it is not practical for undersigned counsel to communicate with him concerning Defendant's Motion for Leave to Depose Plaintiff.
2. Therefore, undersigned counsel assumes that the Motion is opposed.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Eileen Kelly

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ORDER

This _____ day of _____, _____,

WHEREAS, Defendant having requested leave to depose Plaintiff Richard C. Hunt pursuant to Fed. R. Civ. P. 30(a); and

WHEREAS, there being good cause shown for the granting of such motion;

IT IS HEREBY ORDERED, that Defendant's Motion for Leave to Depose Plaintiff shall be granted and Defendants shall have the right to depose Plaintiff Richard C. Hunt.

Judge

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2007, I electronically filed *Defendant's Motion For Leave to Depose Plaintiff* with the Clerk of Court using CM/ECF. I hereby certify that on March 29, 2007, I have mailed by United States Postal Service, the document to the following non-registered party: Richard C. Hunt.

/s/ Eileen Kelly
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Attorney for Defendants